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Patent
VM7012072001
Varian 02-001**REMARKS**

Amendment to claim 1 is to incorporate some limitations from canceled claim 50 and claim 64. Amendment to claim 10 is to incorporate some limitations from canceled claim 52 and claim 64. Amendments to claims 7, 8, and 56 are to bring these claims into conformity with the language of their respective base claims. Amendments to claims 9 and 60-63 are to change claim dependencies. Amendments to claims 12, 34, and 37 are to incorporate some limitations from claim 64. Claim 64 has been rewritten in independent form. No new matter has been added.

I. CLAIM OBJECTIONS

Claims 1-10, 12-20, 34, 37-41, and 50-64 stand objected to for allegedly not using proper English. Claims 41, 50, 52, and 57-59 have been canceled. The current set of claims recite "leaves" and "multi-leaf collimator" as recommended by the Examiner.

II. ALLOWABLE CLAIMS

Claim 64 stand objected to but would be allowable if rewritten in independent form. Claim 64 has been rewritten in independent form.

Applicant agrees with the Examiner that none of the prior art of record discloses or suggests tracking a target using a multi-leaf collimator while performing intensity modulated radiotherapy where at least a leaf of the multi-leaf collimator is adjusted such that a first portion of the target receives more radiation than a second portion of the target, as described in claim 64. Claims 1, 10, 12, 34, and 37 have been amended to incorporate some limitations from claim 64. As such, these claims, and their respective dependent claims, are also allowable.

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III. CLAIM REJECTIONS UNDER 35 U.S.C. § 102

Claims 1-5, 7, 9, 10, 12-15, 17-19, 50-54, 56, 59, and 61-63 stand rejected under 35 U.S.C. 102(e) as allegedly being anticipated by U.S. Patent No. 6,307,914 (Kunieda). Without acquiescence to the basis of the claim rejection, claims 50, 52, and 59 have been canceled, and claims 1, 10, 12, 34, and 37 have been amended to incorporate some limitations from claim 64. Applicant reserves the right to pursue all prior un-amended claims in a related application.

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Based on the foregoing, all remaining claims are believed in condition for allowance. If the Examiner has any questions or comments regarding this amendment, please contact the undersigned at the number listed below.

The Commissioner is authorized to charge any fees due in connection with the filing of this document to Bingham McCutchen's Deposit Account No. 50-2518, referencing billing number 7012072001. The Commissioner is authorized to credit any overpayment or to charge any underpayment to Bingham McCutchen's Deposit Account No. 50-2518, referencing billing number 7012072001.

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